

# **UNITED STATES DISTRICT COURT**

## **Northern District of California**

### **Consenting to a Magistrate Judge's Jurisdiction in the Northern District Of California**



**Claudia Wilken, Chief Judge**  
**Richard W. Wieking, Clerk of Court**

## Table of Contents

A MESSAGE FROM THE CHIEF JUDGE .....	1
HOW CONSENT JURISDICTION WORKS.....	2
POTENTIAL BENEFITS OF CONSENTING TO MAGISTRATE JUDGE JURISDICTION .....	3
MAGISTRATE JUDGE LAUREL BEELER.....	4
MAGISTRATE JUDGE JACQUELINE SCOTT CORLEY.....	5
MAGISTRATE JUDGE NATHANAEL COUSINS.....	6
MAGISTRATE JUDGE MARIA-ELENA JAMES .....	7
MAGISTRATE JUDGE ELIZABETH D. LAPORTE .....	8
MAGISTRATE JUDGE JOSEPH C. SPERO .....	9
MAGISTRATE JUDGE DONNA M. RYU.....	10
MAGISTRATE JUDGE KANDIS A. WESTMORE.....	11
MAGISTRATE JUDGE PAUL SINGH GREWAL .....	12
MAGISTRATE JUDGE HOWARD R. LLOYD .....	13
MAGISTRATE JUDGE NANDOR J. VADAS.....	14

## **The Northern District of California**

### **Chief District Judge**

**Claudia Wilken**

### **Clerk of Court**

**Richard W. Wieking**

Phone: 415-522-2045

Fax: 415-522-2176

### **San Francisco Division**

450 Golden Gate Avenue

San Francisco, California 94102

Phone: 415-522-2000

Fax: 415-522-3605

### **Oakland Division**

1301 Clay Street, Suite 400S

Oakland, California 94612-5212

Phone: 510-637-3530

Fax: 510-637-3545

### **San Jose Division**

280 South First Street, Room 2112

San Jose, California 95113

Phone: 408-535-5364/5363

Fax: 408-535-5360

### **Eureka Division**

514 H Street

Eureka, California 95501

Phone: 707-445-3612

Fax: 707-441-1659

**A Message from the Chief Judge of the United States District Court**  
**CLAUDIA WILKEN**



As you embark on civil litigation in the United States District Court for the Northern District of California—whether as a party to a lawsuit or as an attorney—I encourage you to familiarize yourself with the range of services provided by the court’s magistrate judges and especially to consider consenting to have a magistrate judge handle all aspects of your case, up to and including dispositive motions, jury or court trial and the entry of judgment.

The Northern District was one of the first federal trial courts in the country to assign a wide range of civil cases directly to magistrate judges upon filing. As a consequence, the magistrate judges have direct experience with nearly all types of civil matters filed in our court. Because our court is very busy, agreeing to proceed before a magistrate judge often means that the case will be resolved more quickly than if the case remained before a district judge. If the case must be tried, your trial date will be more certain and less likely to be continued to accommodate a felony jury trial.

Every magistrate judge in the Northern District underwent a highly competitive selection process and had years of litigation experience before being appointed to the bench.

While consent is customarily given soon after a case is filed, parties may consent to have a magistrate judge preside over their case at any point in the proceedings.

As the biographies that follow demonstrate, each is active in law school teaching and continuing legal education for attorneys. Many have been appointed to important committees within the federal courts.

Each has been appointed based on detailed, confidential feedback from the bar and the community; each is equipped to handle the full range of issues presented to our court. Combined, the Northern District’s magistrate judges bring hundreds of hours of federal judicial experience to their work at our court.

**Claudia Wilken**  
**Chief Judge**

## HOW CONSENT JURISDICTION WORKS

Since 1979, the parties in a civil action have had the option of consenting to have all aspects of their case, including trial, handled by a United States magistrate judge.<sup>1</sup> The Northern District of California has been one of the leaders nationwide in implementing this process. When a civil action is filed in this District, ordinarily it will be randomly assigned for all purposes to either a district judge or a magistrate judge.<sup>2</sup>

The full-time magistrate judges of this District are included in the civil case assignment system in the same manner as active district judges, except for prisoner petitions, capital habeas corpus cases, securities class actions, and bankruptcy appeals or bankruptcy withdrawal of reference cases. Each magistrate judge typically has over 100 consent cases.

In 2011, the magistrate judges completed handling approximately 1400 civil cases in which they had exercised consent jurisdiction. When a case is initially assigned to a magistrate judge, the plaintiff is given a form to use to either consent to or decline magistrate judge jurisdiction.<sup>3</sup> Plaintiff is also required to serve that form on each defendant.

Each party should make a decision regarding magistrate judge jurisdiction as soon as possible, and in any event prior to the case management conference which is generally held about 100 days after the case is filed. Civil L.R. 73-1.

If all parties consent to magistrate jurisdiction, then the magistrate judge to whom the case is assigned will preside over all aspects of the case, through trial. F.R.Civ.P. 73(b). An appeal from the magistrate judge's rulings is made to the appropriate appellate court exactly as if the rulings were from a district judge. F.R.Civ.P. 73(c).

A civil case initially assigned to a district judge may also be reassigned to a magistrate judge if all parties consent to magistrate judge jurisdiction. The parties should expect the district judge to ask at the case management conference whether they have considered consenting to a magistrate judge jurisdiction.

Each magistrate judge has an assigned courtroom designed to accommodate civil jury trials. Each magistrate judge has at least one law clerk. Many have a second law clerk in lieu of a secretary.

Magistrate judges are fully integrated into the court's administration, serving on all court committees and chairing some of them.

Unlike district judges, magistrate judges do not preside over felony criminal matters.

## **POTENTIAL BENEFITS OF CONSENTING TO MAGISTRATE JUDGE JURISDICTION**

The Northern District of California has always recruited experienced trial attorneys of the highest caliber who undergo a merit selection process before being appointed as a magistrate judge. Because of their diverse experiences while in practice and while presiding over civil matters including trials, this District's magistrate judges are able to preside over all types of civil litigation. The biographies of the current magistrate judges are set forth in the pages ahead.

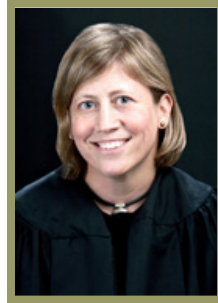
Parties that consent to have their case tried before a magistrate judge will receive a date certain for trial. The right to a speedy trial in felony criminal matters requires district judges to give statutory priority to trying those cases, which can sometimes require that civil trial dates be moved.

The historical experience in this District has been that our magistrate judges have virtually always met their scheduled trial dates. Because magistrate judges' trial dockets are generally less crowded than those of district court judges, they are often able to schedule a trial within a year of the filing of the complaint.

### **ENDNOTES**

1. Federal Magistrate Act of 1979, 28 U.S.C § 636(c)(1). See also F.R.Civ.P. 73 (b).
2. District judges, sometimes called Article III Judges, are appointed by the President, confirmed with the advice and consent of the Senate and hold their position for life. Magistrate Judges are appointed by the district judges of each district following a merit selection process and serve for a period of eight years, subject to reappointment.
3. If the case has been removed from state court, the form is given to the removing party, who is required to serve it on all other parties.

**MAGISTRATE JUDGE LAUREL BEELER**  
**San Francisco Division**



Magistrate Judge Laurel Beeler was appointed in 2010. She has presided over and settled hundreds of civil and criminal cases in a wide range of subject areas, including intellectual property, employment, civil rights, *qui tam*, and business disputes.

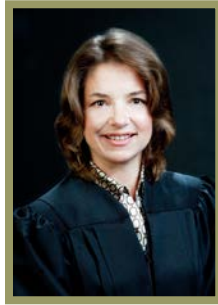
Before joining the court, Judge Beeler was an assistant United States attorney in the Northern District, prosecuting complex white-collar cases with parallel criminal and civil components. She served as the Office's Professional Responsibility Officer, Deputy Chief of the Criminal Division, and Major Crimes' group supervisor. Before that, she was a law clerk to the Honorable Cecil F. Poole, United States Court of Appeals for the Ninth Circuit, and the Civil Appeals Division Chief at the Ninth Circuit's Office of Staff Attorneys.

Judge Beeler is a member of the Ninth Circuit's Jury Trial Improvement Committee, one of four national judicial liaisons to the U.S. Department of Justice/Office of Defender Services Joint Electronic Technology Working Group, the chair of the Northern District's Criminal Rules & Practice Committee, and a member of the Northern District's Criminal Justice Act Committee. She was President of the Federal Bar Association, co-chair of the Lawyer Representatives to the Ninth Circuit from the Northern District, and a member of the board of directors for the Bar Association of San Francisco (BASF). She is a member of BASF's Criminal Advisory Committee and the Edward J. McFetridge American Inn of Court. In April 2006, Judge Beeler received the Northern District Judicial Conference's Public Service Award.

Judge Beeler teaches civil trial practice at the University of California, Berkeley School of Law and a high-school civics and advocacy class at the San Francisco Court School for Juvenile Offenders. She taught Criminal Procedure for many years at U.C. Hastings College of the Law, lectures regularly at Bay Area law schools, and participated in rule-of-law projects in Indonesia, Vietnam, Cambodia, the Philippines, and Jordan.

Judge Beeler graduated with honors from the University of Washington School of Law, where she was Order of the Coif and an Articles Editor on the *Washington Law Review*. She received her A.B. with honors from Bowdoin College.

**MAGISTRATE JUDGE JACQUELINE SCOTT CORLEY**  
**San Francisco Division**



Magistrate Judge Jacqueline Scott Corley took the bench in May 2011. As a magistrate judge she has presided over a variety of civil cases at all stages of the proceedings, from motions to dismiss through jury trial. She has also served as a settlement judge in nearly every type of federal litigation.

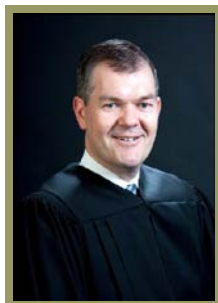
Just prior to her appointment as a magistrate judge Corley was a partner at Kerr & Wagstaffe LLP in San Francisco as a civil litigator with an emphasis on federal practice. She represented individuals, government entities, and institutions as plaintiffs and defendants in a variety of matters that included trademark, copyright, patent, constitutional law, defamation, malicious prosecution, class actions, contract and probate.

From 1998 through 2009 Judge Corley served as a career law clerk to the Honorable Charles R. Breyer. She also served on the Northern District of California Alternative Dispute Resolution mediation and early neutral evaluation panels from 2006 through her appointment.

Judge Corley received her undergraduate degree from the University of California, Berkeley, and her J.D. from Harvard Law School, *magna cum laude*, where she was an editor and Articles Chair of the *Harvard Law Review*. Upon graduation she served as a law clerk to the Honorable Robert E. Keeton of the United States District Court for the District of Massachusetts. She then practiced complex commercial litigation and white-collar criminal defense at Goodwin, Procter LLP in Boston and was a litigation associate at Coblenz, Patch, Duffy & Bass LLP in San Francisco before joining Judge Breyer in 1998.



**MAGISTRATE JUDGE NATHANAEL COUSINS**  
**San Francisco Division**



Magistrate Judge Nathanael Cousins was appointed in 2011. Immediately before joining the Court, he was a federal prosecutor in the U.S. Attorney's Office for the Northern District of California. One of his most significant duties there was working in Salinas on Operation Ceasefire, a community program to reduce gang violence.

Judge Cousins served for five years in the Antitrust Division of the U.S. Department of Justice. At the Antitrust Division, he was part of the team that investigated and prosecuted global price-fixing cartels in memory chip markets, including DRAM. For his work on the DRAM cases, he was awarded the Attorney General's Distinguished Service Award.

Before joining the Department of Justice, he was an associate and then a partner in the Chicago office of Kirkland & Ellis, and before that an associate in the Los Angeles office of Greenberg Glusker. At these firms he litigated civil and criminal cases in state and federal trial and appellate courts, with an emphasis on cases involving antitrust, class actions, and investment fraud. He also served for many years as pro bono class counsel on behalf of the inmates in an Illinois state prison.

Judge Cousins has taught legal writing, moot court, and antitrust at the University of California, Hastings College of the Law.

Judge Cousins graduated with honors from Hastings, where he was Order of the Coif. He received his undergraduate degree from Stanford. He studied abroad at Leiden University in the Netherlands and Novosibirsk University in Russia. He clerked for the Honorable F.A. Little, Jr., Chief Judge of the United States District Court, Western District of Louisiana.

**MAGISTRATE JUDGE MARIA-ELENA JAMES**  
**San Francisco Division**



Magistrate Judge Maria-Elena James was appointed in 1994. She has presided over numerous cases and conducted thousands of settlement conferences. Outside the courtroom, she teaches a number of classes at three Bay Area law schools: University of California, Hastings College of the Law, University of California, San Francisco School of Law, and Golden Gate University.

She also co-created a course called *The Roles of Referees and Commissioners* and taught the course, along with another course, at the California Judicial Education and Research College.

A 1978 graduate of the University of San Francisco, School of Law, she served as director of the Small Claims Court Education Project in the Consumer Fraud Unit of the San Francisco District Attorney's Office. She went on to serve as a deputy public defender in San Francisco, staff attorney for the National Labor Relations Board, and Deputy City Attorney as well as supervising attorney in San Francisco.

Judge James then served as a Commissioner in the San Francisco Superior Court for six years. She volunteers as a mock trial judge for all grades of students and serves as a mentor to law students. Her speaking engagements include a 2006 panel on Comparative Racial Justice at the University of Paris, Nanterre and the Assemblée Nationale.

**MAGISTRATE JUDGE ELIZABETH D. LAPORTE**  
**San Francisco Division**



Magistrate Judge Elizabeth D. Laporte was appointed in 1998. She has presided over numerous civil cases through trial or other disposition, including patent, trademark, copyright, employment, civil rights and environmental cases. She also has conducted over 1000 settlement conferences, handled criminal matters, and resolved discovery disputes.

A 1982 graduate of Yale Law School and a Marshall Scholar, she clerked for the Honorable Marilyn Hall Patel in the Northern District of California. She was a partner at the boutique litigation firm of Turner & Brorby, and an Administrative Law Judge for the California Department of Insurance. In 1996, she began serving as Chief of Special Litigation for the San Francisco City Attorney's Office, and was named a Lawyer of the Year by *California Lawyer*. She has authored articles on patent litigation and settlement in the *Northern California ABTL [Association of Business Trial Lawyers] Report*, and has written on e-discovery.

Judge Laporte serves on the Board of Governors for the Northern California Chapter of the Association of Business Trial Lawyers. She is also a judicial observer for the Sedona Conference Working Group on Electronic Document Retention and Production.

Judge Laporte is the Alternative Dispute Resolution Magistrate Judge for the Northern District of California and the chair of the E-Discovery Subcommittee for the Northern District Local Rules Committee. She is also a past chair of the Magistrate Judge Executive Board of the Ninth Circuit, and was a member of the Jury Trial Improvement Committee of the Ninth Circuit Court of Appeals from 2002 to 2009. She regularly speaks at legal conferences and judicial education programs on patent litigation, jury trials, e-discovery, employment law, settlement, and other topics.

**MAGISTRATE JUDGE JOSEPH C. SPERO**  
**San Francisco Division**



Magistrate Judge Joseph C. Spero was appointed in 1999. He has presided as trial judge in criminal and civil cases in a variety of subject areas, including patent, employment, civil rights, commercial contract, trademark, and federal misdemeanor cases. He has also served as a settlement judge in over 1000 cases.

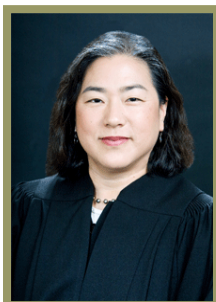
He serves as the liaison judge for Pretrial Services and Probation, and as a member of the court's Technology Committee as well as having served as a member of the Non-Appropriated Funds Committee.

A 1981 graduate of Columbia University School of Law, he clerked for the United States Court of Appeals for the Ninth Circuit. He worked as an associate at Skadden, Arps, Slate, Meagher & Flom, and as associate then partner at Coblenz, Cahen, McCabe & Breyer (now Coblenz, Patch, Duffy & Bass).

While in private practice, he trained as a mediator at Harvard Law School and served as a mediator in the Northern District's Alternative Dispute Resolution Program. He also served as a Judge Pro-Tem for the San Francisco County Superior Court.

Judge Spero served as pro bono counsel in a variety of cases. He received the Thurgood Marshall Award from the Bar Association of the City of New York.

**MAGISTRATE JUDGE DONNA M. RYU**  
**Oakland Division**



Magistrate Judge Donna M. Ryu was appointed in 2010. Before joining the Court, she served as a Clinical Professor of Law at the University of California, Hastings College of the Law and as Associate Professor and Associate Director of the Women's Employment Rights Clinic of Golden Gate University Law School. Her clinical courses included instruction on negotiation, mediation, and trial techniques, as well as employment and social security disability law. She also taught in the area of legal ethics.

She began her legal career with McCutchen, Doyle, Brown & Enersen in San Francisco before joining an Oakland-based firm specializing in civil rights class actions. She later formed her own firm, Ryu, Dickey & Larkin. She has extensive experience in discovery and motion work, as well as trial work involving complex litigation.

She has been honored as a California Lawyer of the Year in Employment Law. She is also the recipient of the Asian American Bar Association's Joe Morozumi Award for Exceptional Legal Advocacy and the Rutter Award for Excellence in Teaching. She co-designed and served on the faculty of a national training institute on class actions, and has written and lectured extensively in the areas of employment law, discovery, attorneys' fees, class actions, and professionalism in lawyering.

Judge Ryu graduated with honors from Yale University, and received her law degree in 1986 from the University of California, Berkeley School of Law, where she was a founder of the *Berkeley Journal of Gender, Law and Justice*.

**MAGISTRATE JUDGE KANDIS A. WESTMORE**  
**Oakland Division**



Magistrate Judge Kandis A. Westmore was appointed in February 2012, and serves on the Court's Standing Committee on Criminal Justice Act Administration.

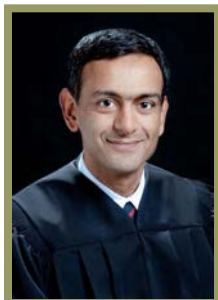
Judge Westmore received her Bachelor of Arts Degree in Psychology from the University of California, Berkeley in 1989 and her law degree from the University of San Francisco, School of Law in 1997.

During law school, Judge Westmore served as a judicial extern to the Honorable Sandra Brown Armstrong of the United States District Court for the Northern District of California, Oakland Division.

Judge Westmore began her legal career at an Oakland-based boutique law firm specializing in plaintiffs' civil rights litigation. In 1999, she joined the Oakland City Attorney's Office as a deputy city attorney, initially prosecuting code enforcement and drug nuisance abatement cases and serving as advice counsel to City Departments. She later served as general litigation trial counsel and then as law and motion and appellate counsel, representing the City and its employees in cases in federal and state trial and appellate courts, including civil rights, personal injury, debt collection, inverse condemnation, labor and employment, and complex litigation.

In 2011, Judge Westmore served as President-Elect of the Alameda County Bar Association (ACBA) and volunteered for the ACBA Volunteer Legal Services Corporation's Pro Bono Program representing low-income individuals who otherwise could not afford representation in family law cases.

**MAGISTRATE JUDGE PAUL SINGH GREWAL**  
**San Jose Division**



Magistrate Judge Paul S. Grewal was appointed in 2010. He has presided over and settled criminal and civil cases in a wide range of subject areas, including patent, employment, civil rights, commercial contract, trademark, and federal misdemeanor cases. He serves as a member of the court's Technology Practice and Patent Local Rules Committees.

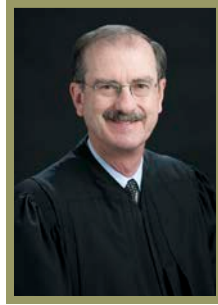
Judge Grewal received his Bachelor of Science from MIT, where he was elected to Tau Beta Pi and Sigma Xi, and his law degree from the University of Chicago. After graduating from law school, he served as a law clerk to the Honorable Sam H. Bell of the United States District Court for the Northern District of Ohio. After working on complex commercial litigation at Pillsbury Madison & Sutro, he served as a law clerk to the Honorable Arthur J. Gjarsa of the United States Court of Appeals for the Federal Circuit.

Judge Grewal then joined Day Casebeer Batchelder & Madrid (which later merged with Howrey LLP), where he was elected partner and served on the firm's management committee. His practice was focused on intellectual property litigation, with a focus on patent trials and appeals.

He has tried patent cases in a variety of federal district courts across the country, and has argued appeals before a variety of federal appellate courts, including the Federal Circuit. His clients ranged from large technology and biotechnology firms to small medical device and financial firms to individual inventors. He also was registered to practice before the Patent and Trademark Office, and his practice included re-examinations before the PTO.

Judge Grewal is a former President of the South Asian Bar of Northern California and the North American South Asian Bar Association.

**MAGISTRATE JUDGE HOWARD R. LLOYD**  
**San Jose Division**



Magistrate Judge Howard R. Lloyd was appointed in 2002. He has presided over a variety of civil and criminal trials and has extensive discovery as well as case-dispositive law and motion experience. He has presided over hundreds of settlement conferences in a wide variety of civil cases.

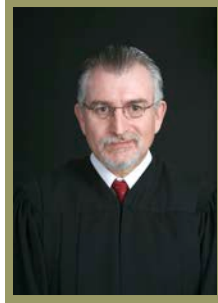
Judge Lloyd earned his undergraduate degree at the College of William and Mary, graduating Phi Beta Kappa, and his law degree from the University of Michigan Law School. He then worked as a civil trial and appellate lawyer for 30 years with a prominent San Jose law firm and personally tried many cases and argued dozens of appeals. He practiced in all areas, but especially employment, intellectual property, and commercial law. He then worked for two years as an independent and full time arbitrator and mediator.

While in private practice Judge Lloyd was selected for voluntary service as an Early Neutral Evaluator (Northern District of California), mediator (California Court of Appeals), and Settlement Judge Pro Tem (Santa Clara County Superior Court). He is a frequent presenter at continuing education courses for attorneys and currently teaches at Santa Clara University Law School.



## **MAGISTRATE JUDGE NANDOR J. VADAS**

### **Eureka Division**



Magistrate Judge Nandor J. Vadas was appointed in 2004. He graduated from the University of California, Santa Cruz and University of California, Hastings College of the Law. Judge Vadas maintains chambers in Eureka, but presides over cases in San Francisco.

Judge Vadas has presided over a wide variety of criminal cases and civil cases, including matters involving civil rights, employment discrimination, the Americans with Disabilities Act, Indian law, and the Endangered Species Act.

Judge Vadas initiated an innovative early settlement program for prisoner civil rights cases designed to provide an alternative method of resolving lawsuits brought each year by unrepresented California prisoners housed at Pelican Bay State Prison. The success of the program led to its expansion to all state prisons in the Northern District of California and to some prisons in the Eastern District of California. Judge Vadas conducts a petty offense and misdemeanor calendar on the Hopland Indian Reservation in Mendocino County.

Judge Vadas served as Deputy District Attorney for Humboldt County and as Special Assistant United States Attorney for the Eureka region where he prosecuted all federal misdemeanor cases before the federal magistrate judge court in Eureka and investigated federal drug and money laundering crimes. He taught a variety of criminal justice courses at the Redwood Police Academy at College of the Redwoods. He served as a Deputy District Attorney for the City and County of San Francisco from 1983 to 1989, and as an Assistant United States Attorney in San Francisco from 1989 to 1998. Judge Vadas is a former member of the Magistrate Judges' Advisory Group to the Judicial Conference of the United States.

All new civil and criminal actions arising in the counties of Del Norte, Lake, Humboldt and Mendocino are assigned directly to Judge Vadas, subject to consent under 28 USC § 636(c)(1).

Judge Vadas can hold case management conferences and hear many types of motions by video-conference if parties prefer to appear in San Francisco rather than travel to Eureka. In addition, parties can schedule dispositive motions to be heard on days when Judge Vadas is in San Francisco.

Should you have additional questions about how consent jurisdiction works, please do not hesitate to contact the San Francisco Division.

If needed, a hard copy of this brochure can be obtained from the Intake Office at any of the court's four divisions. Copies are also available in courtrooms from the Courtroom Clerk.

**Magistrate Judge Photos by Roslyn Banish**

**Last Updated: August 31, 2012**